

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

EDWIN LINDSEY,
#06267-122,

Plaintiff,

v.

ESTELA DERR,

Defendant.

CIVIL NO. 23-00437 SOM-WRP

**ORDER GRANTING
APPLICATION TO PROCEED IN
FORMA PAUPERIS BY A
PRISONER**

**ORDER GRANTING APPLICATION TO PROCEED IN FORMA
PAUPERIS BY A PRISONER**

Before the Court is an Application to Proceed In Forma Pauperis by a Prisoner (“Application”), ECF No. 2, filed by pro se Plaintiff Edwin Lindsey on October 27, 2023. Plaintiff states in the Application that: (1) he is not employed at the institution where he is currently confined; (2) he has no sources of income, savings, or assets; and (3) he owns no property. *Id.* at PageID.20. A prison official certified that Plaintiff has \$249.31 on account and that his average monthly balance during the last six months was \$165.31. *Id.* at PageID.21. Based on the information currently before the Court, therefore, Plaintiff qualifies as a pauper, and his Application is GRANTED. *See* 28 U.S.C. § 1915(a)(1).

As a prisoner, Plaintiff is obligated to pay the full filing fee regardless of the outcome of this suit. *See* 28 U.S.C. § 1915(b)(1), (e)(2). Plaintiff shall pay an initial partial filing fee of 20% of the greater of: (1) the average monthly deposits to his account; or (2) the average monthly balance in his account for the six-month period immediately preceding the filing of the Complaint. 28 U.S.C. § 1915(b)(1). Thereafter, Plaintiff shall make monthly payments equaling 20% of the preceding month's income credited to his account, when the amount in his account exceeds \$10.00, until the \$350.00 civil filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

IT IS HEREBY ORDERED that:

(1) The Warden of the Federal Correctional Institution-Sheridan (FCI Sheridan”), or the Warden’s designee, shall calculate, collect, and remit to the Clerk of Court an initial partial payment equaling 20% of Plaintiff’s average monthly balance or average monthly deposits to his account within the past six months, whichever is greater. Thereafter, the Warden or designee shall collect monthly payments equaling 20% of Plaintiff’s preceding month’s income when the account exceeds \$10.00, until the \$350.00 filing fee is paid in full. *See* 28 U.S.C. § 1915(b)(2). These payments must be identified by the name and number assigned to this action.

(2) The Clerk is directed to serve a copy of this order on Plaintiff, the FCI Sheridan Warden and Financial Office, and/or the Bureau of Prisons, and submit a copy of this order to the District of Hawaii's Financial Department.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, October 30, 2023.



/s/ Susan Oki Mollway
Susan Oki Mollway
Senior United States District Judge